

<sup>1</sup> The Court does not think filing in the wrong district was an accident, as the Northern District of Georgia has barred actions for the relief the Defendant seeks.

should be resolved in favor of remand to state court. *Id.* Here, the Defendant incorrectly attempts to remove a claim for fraudulent foreclosure pursuant to 28 U.S.C. § 1443, the removal statute for equal civil rights claims. Moreover, the Notice of Removal does not allege federal question or diversity of citizenship jurisdiction exists. Because the Defendant has not proven subject matter jurisdiction exists, remand is appropriate.

Accordingly, this matter is **REMANDED** to Fulton County State Court.

**SO ORDERED**, this the 21<sup>st</sup> day of December, 2010.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT